

REMARKS

Upon entry of the foregoing Amendment, claims 1, 3-5, 10, 12, 13, 26, 28-40 are pending in the application, claims 2, 6-9, 11, 14-25, and 27 having been previously cancelled. Claims 32-34 have been amended pursuant to 37 C.F.R. §1.116. Claims 41-42 have been cancelled without prejudice or disclaimer and no new claims have been added.

The foregoing Amendment incorporates features from previously dependent claims and place the application in condition for allowance over the references relied upon by the Examiner and/or presents rejected claims in better form for consideration on appeal. As such, entry of the Amendment under 37 C.F.R. §1.116 is respectfully requested. Applicants believe that this Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

By the foregoing Amendment, Applicants have amended and/or cancelled various claims solely for purposes of expediting prosecution of this Application. Applicants expressly reserve the right to prosecute the subject matter of any claim pending prior to the foregoing Amendment, or any other subject matter supported by the Specification, in one or more continuation and/or divisional applications.

Information Disclosure Statement

Applicants thank the Examiner for considering the references cited in the Information Disclosure Statements filed on August 11, 2010, and September 20, 2010, as evidenced by the signed and initialed copies of the PTO-1449 Form returned with the Office Action.

Non-statutory Double Patenting Rejection

Claims 1, 3-5, 10, 12, 13, 26 and 28-39 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-4, 8-11, 17-23 and 29-31 of copending Application No. 10/538,162.

Although Applicants disagree with the rejections set forth by the Examiner, a

terminal disclaimer will be filed, *solely* in an effort to expedite prosecution, once the remaining claim rejections have been withdrawn.

Rejections Under 35 U.S.C. §§ 102 and 103

The Examiner has rejected claims 1, 3-5, 10, 12, 13, 26 and 28-31 under 35 U.S.C. § 102(e) as allegedly anticipated by, or in the alternative under 35 U.S.C. § 103(a) allegedly obvious over, U.S. Patent Application Publication No. 2002/0177471 by Kaaresoja *et al.* ("Kaaresoja"), evidenced or in view of U.S. Patent No. 6,850,150 to Ronkainen ("Ronkainen"). Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach or suggest each and every feature of the claimed invention. Nonetheless, solely to expedite prosecution of this application, Applicants have amended the claims to clarify various features of the claimed invention. The references relied upon by the Examiner, either alone or in combination with one another, do not disclose, teach or suggest all the features of the claims as amended.

1. Independent claims 1, 10, and 26

Independent claim 1 recites, among other things:

generating, at a first handheld communication device, an output signal upon an actuation of one or more of a plurality of user-interface members of the first handheld communication device, wherein the output signal includes a haptic code configured to distinctly identify the first handheld communication device and a status event; and

sending the output signal to a second handheld communication device remote from the first handheld communication device, wherein the output signal is configured to cause an output, at the second handheld communication device, of a haptic effect corresponding to the haptic code.

Claims 10 and 26 recite similar features.

In the Response to Arguments Section of the Office Action, the Examiner alleges that Kaaresoja at Figure 1 discloses that a transceiver 104 receives and transmits tactile sensation patterns and that "the association one makes with phone

number and tactile sensation received sufficient to encompass the scope of Applicant's invention." *Office Action* at page 16. However, as set forth in Applicants' reply dated August 11, 2010, the output signal as claimed "includes a haptic code." In stark contrast, making an association between a phone number and tactile sensation is entirely different from the output signal that already includes the haptic code as claimed. As such, Kaaresoja does not encompass the scope of Applicants' invention and therefore fails to disclose, teach or suggest at least the foregoing features of the claimed invention. Ronkainen does not cure at least this deficiency of Kaaresoja. For at the foregoing reasons, the references relied upon by the Examiner do not disclose, teach or suggest all the features of claims 1, 10, and 26.

Claims 3-5, 12, 13, and 28-31 depend from and add features to one of claims 1, 10, and 26. The references relied upon by the Examiner do not disclose, teach or suggest all the features of these dependent claims for at least the reasons set forth above with regard to claims 1, 10, and 26. Accordingly, the rejection of these dependent claims is improper and must be withdrawn.

2. *Independent claims 32-34*

The Examiner has rejected claims 32-34 under 35 U.S.C. § 103 as allegedly being obvious over Kaaresoja and Ronkainen and further in view of U.S. Patent No. 6,028,531 to Wanderlich ("Wanderlich"). Applicants traverse the rejection for at least the reason that the references, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention.

Nonetheless, solely to expedite prosecution of this application, Applicants have amended the claims. The amendments incorporate features from previously dependent claims and place the application in condition for allowance over the references relied upon by the Examiner and/or place the claims in better form for consideration on appeal. As such, entry of the Amendment under 37 C.F.R. §1.116 is respectfully requested.

As amended, claims 32-34 recite, among other things, signals that cause haptic effect "communicated during a chat session between the first handheld communication device and the second handheld communication device." As discussed above, these features were previously recited in a dependent claim.

In the Response to Arguments section of the Office Action, the Examiner alleges that Fukuhara *et al.*, "Voice Café: Conversation Support System" ("Fukuhara") "makes a distinction between a 'wet information' and computer mediated communication. The one type wet information involves a person to person gossip or chat sessions with physical presence" and that Fukuhara "proposes a haptic communication that could emulate such wet information." *Office Action* at page 17. However, Fukuhara discloses exchanging wet information from individuals to groups of users (Fukuhara at figure 1) rather than haptic communication during chat sessions. Fukuhara mentions chat sessions as a way to communicate information generally, not a way to haptically communicate. *See, e.g., Fukuhara* at pages 1-2. As such, Fukuhara does not cure the deficiencies of the other references relied upon by the Examiner with respect to at least this feature of the claims as amended. As such, the rejection of claims 32-34 as amended is improper and must be withdrawn.

The Examiner has rejected claims 35-37 under 35 U.S.C. § 103 as allegedly being unpatentable over Kaaresoja and Ronkainen and further in view of U.S. Patent Application Publication No. 2003/0236729 by Epstein *et al.* ("Epstein") and in view of U.S. Patent Application Publication No. 2002/0107936 by Amon ("Amon"). Claims 35-37 depend from and add features to one of claims 1, 10, and 26. As such, Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention for at least the reasons discussed above with respect to claim 1, 10, and 26.

The Examiner has rejected claims 38-42 under 35 U.S.C. § 103(a) as allegedly being obvious over Kaaresoja and Ronkainen and further in view of Fukuhara *et al.*, "Voice Café: Conversation Support System" ("Fukuhara"). Applicants traverse the rejection for at least the reason that the references, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention. Claims 38-39 depend from and add features to claim 1. As such, Applicants traverse this rejection because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention for at least the reasons discussed above

with respect to claim 1. Furthermore, claims 38-39 recite features similar to claim 32 discussed above with respect to Fukuhara. As such, the rejection of these claims is traversed for at least the reasons set forth above with respect to claim 32 and Fukuhara. Claims 41-42 have been canceled, rendering the rejection of these claims moot.

CONCLUSION

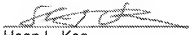
Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the Application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

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Respectfully submitted,

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